

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment after non-final filed 28 September 2009. Claims 8, 16, and 18 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed concurrent with the amendment have been fully considered but they are not persuasive.

With regard to Applicant's remarks pertaining to claim 8, that Matos fails to teach transmission of voice prompts to a receiver embedded in a portable device, the Examiner respectfully disagrees. The Examiner directs Applicant's attention to various section of the Matos reference, specifically to column 9 lines 30-65, column 9 line 66 through column 10 line 3, column 31 lines 51-61, column 32 lines 6-10, and column 55 line 56 – column 56 line 2. The information contained in these sections of Matos describes that a direct link between a portable unit and a central station for transfer of information pertaining to physiological data and audio/video signals through a wireless connection. Also contained therein is a disclosure for the portable device to comprise a processing unit 118 equipped with a transmitter 122 for transmitting signals to the central station either over a public telephone network, over the internet, private communication system, or a radio frequency signal. Further, as demonstrated before, audio and video signals containing information regarding therapy administration is also described by Matos, column 28 lines 60-64 and column 33 lines 16-21. In view of

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information presented in these sections of Matos, the Examiner considers Matos to describe the limitations of claim 8 and thereby maintains the rejection.

With regard to Applicant's remarks pertaining to claim 16, that Matos fails to teach transmission of voice prompts over a wireless protocol, the Examiner respectfully disagrees. As demonstrated before, audio and video signals containing information regarding therapy administration is also described by Matos, column 28 lines 60-64 and column 33 lines 16-21. Further, Matos provides a teaching that use of cellular telephone networks, which one of ordinary skill in the art would recognize as necessarily comprising a wireless application protocol, can be engaged for portable therapy devices when expert assistance is needed is known in the art, column 7 lines 15-22. In view of this teaching, it is considered that Matos anticipates the claim limitations since Matos teaches that use of wireless protocol transmission is known for portable therapy devices. Therefore the rejection against claim 16 is maintained.

With regard to Applicant's remarks pertaining to claim 18, that Matos fails to disclose an electrotherapy device comprising a voice circuit for generating audio prompts initiated by a controller and a wireless transmitter, the Examiner respectfully disagrees. The portable device to comprise a processing unit 118 equipped with a transmitter 122 for transmitting signals to the central station either over a public telephone network, over the internet, private communication system, or a radio frequency signal, column 31 lines 51-61 and column 32 lines 6-10. There are also control circuits 128 and 130 for contained in the portable unit. In view of the disclosure

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of these elements in Matos, it is considered that Matos anticipates the claim limitations, and therefore the rejection against claim 18 is maintained.

***Claim Rejections - 35 USC § 102***

3. As stated above, the rejections against claims 8, 16, and 18 are maintained.

Text of those rejections are presented below.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Matos (US Patent no. 7,277,752) (cited previously).

In regard to claim 8, Matos describes a system for cardiac resuscitation that includes a portable defibrillation unit 104 that a person without any medical training can operate, col 4 line 23- col 7 line 8, col 27 lines 61- col 28 line 48, and col 31 line 36 - col 32 line 10. The system comprises the method for: providing voice instructions to a user for operating an external defibrillator device comprised of at least one set of electrodes couplable to a patient, col 13 lines 37-52;

transmitting over a wireless protocol a voice prompt instructing the user to attach the set of electrodes to the patient, col 28 lines 60-64;

checking the impedance of the at least one pair of electrodes, and prompting the user over the wireless protocol with a voice prompt if the electrodes are not properly attached, col 44 lines 19-54;

transmitting over the wireless protocol at least one additional voice prompt instructing the user by explaining how to administer defibrillator therapy, col 33 lines 16-21; and

transmitting the voice prompts to a receiver embedded in a portable device, said portable device being selected from the group consisting of a headphone, wireless telephone and a PDA, col 86 lines 44-50 and col 87 lines 48-60.

In regard to claim 16, Matos describes the method for providing voice instructions to a user for operating an external defibrillator device comprised of at least one set of electrodes couplable to a patient, col 4 line 23- col 7 line 8, col 27 lines 61- col 28 line 48, and col 31 line 36 - col 32 line 10, said method comprising the steps of: transmitting over a wireless protocol a voice prompt instructing the user to attach the set of electrodes to the patient, col 13 lines 37-52, col 27 lines 61- col 28 line 48; checking the impedance of the at least one pair of electrodes, and prompting the user over the wireless protocol with an audio prompt if the electrodes are not properly attached col 28 lines 60-64; and transmitting over the wireless protocol at least one additional voice prompt instructing the user by explaining how to administer defibrillator therapy, col 33 lines 16-21; wherein the voice prompt instructs the user that a patient assessment is beginning, col 124 lines 53-58.

In regard to claim 18, the invention of Matos as described above in reference to claim 1 includes: a controller 118, col 31 lines 44-58; an energy source; at least one electrode for providing electrotherapy to a patient, col 13 lines 37-52 and col 28 lines 55-58; an energy delivery system operable by the controller to deliver an electrical shock from the energy source to the at least one electrode, col 28 lines 60-68; a voice circuit for generating audio prompts initiated by the controller, col 13 lines 37-52, col 27 lines 61- col 28 line 48; a wireless transmitter coupled to the voice circuit for transmitting the audio prompts over a wireless communication protocol, the wireless transmitter transmits the audio prompt over the wireless protocol to the user, col 33 lines 16-21; a portable device including a headphone, the portable device having a wireless receiver embedded therein, said wireless receiver operating in accordance with the wireless communication protocol over which the wireless transmitter operates, col 86 lines 44-50 and col 87 lines 48-60.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Gedeon whose telephone number is (571) 272-3447. The examiner can normally be reached on M-F 8:30-5:00.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/  
Supervisory Patent Examiner, Art Unit 3766

/B. T. G./

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